

United States Courts
Southern District of Texas
FILED

DO

This Document Relates To:

Consolidated Civil Action
No. H-01-3624

Plaintiffs,

VS.

ENRON CORP., et al.,

Defendants.

Defendants Deutsche Bank AG (“DB”), Deutsche Bank Securities Inc. (“DBSI”), Deutsche Bank Alex. Brown LLC (“DBAB”) and Deutsche Bank Trust Company Americas (DBTC) (collectively, the “DB Entities”) respectfully submit this Emergency Motion to Remove Exhibit Pages with respect to Defendants’ August 18, 2003 Memorandum of Law in Support of Defendants the Deutsche Bank Entities’ Motion to Dismiss the First Amended Consolidated Complaint in the Newby action (the “Amended Complaint”). On August 18, 2003, Defendants filed a Memorandum of Law in Support of Defendants the Deutsche Bank Entities’ Motion to Dismiss, which included six exhibits numbered “Exhibit 1” through “Exhibit 6.” Documents, attached as the last twenty-five pages of Exhibit 6, were inadvertently produced and relate to an unrelated, highly confidential matter. The Memorandum and Exhibits have not been docketed.

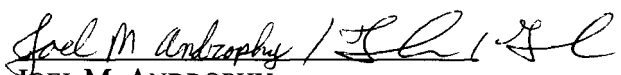
1622

Defendants recognize this error, and on the Court's Order, are prepared to remove the last twenty-five pages of Exhibit 6. Accordingly, Defendants respectfully ask the Court to grant this Emergency Motion to Remove Exhibit Pages and grant Defendants leave to remove the last twenty-five pages of Exhibit 6.

Dated: August 19, 2003

Submitted by:

BERG & ANDROPHY

with permission

JOEL M. ANDROPHY

State Bar No. 01254700
3704 Travis
Houston, Texas 77002-9550
(713) 529-5622 - Telephone

OF COUNSEL:
Lawrence Byrne
Owen C. Pell
WHITE & CASE LLP
1155 Avenue of the Americas
New York, New York 10036-2787
Tel: (212) 819-8200
Counsel for the DB Entities

CERTIFICATE OF SERVICE

On August 19, 2003, I caused a true and correct copy of the foregoing document to be served on all counsel by e-mail and fax in accordance with the Order Regarding Service of Papers and Notice of Hearings, entered by the Court on April 10, 2002.

Dated: August 19, 2003

Respectfully submitted,

BERG & ANDROPHY

with permission

By: Joel M. Androphy / Jhisl

Joel M. Androphy

State Bar No. 01254700

3704 Travis

Houston, Texas 77002-9550

(713) 529-5622 - Telephone

(713) 529-3785 - Facsimile